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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,814	09/30/2004	Michio Kaneko	A36275PCT USA 074224.0138	8291
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EXAMINER ASD/ODL, MOHAMMAD REZA				
ART UNIT 1796		PAPER NUMBER		
NOTIFICATION DATE 08/11/2008		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DLNYDOCKET@BAKERBOTTS.COM

### Office Action Summary

**Application No.**

10/509,814

**Applicant(s)**

KANEKO ET AL.

**Examiner**

MOHAMMAD R. ASDJODI

**Art Unit**

1796

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 25-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 25-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date 09/30/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

***The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.***

Claims 40, 42, and 44 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 40, recites the limitation "discoloration inhibitor", (according to claim 25 in the first line), in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claims 42, recites the limitation "the fluorocarbon resin", (according to claim 25 first line), in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claims 44, recites the limitation "the polishing material", (according to claim 25 first line), in line 2. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

*The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:*

***(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.***

Claims 25, 28-30, 32, and 38-41 are rejected under 35 U.S.C. 102(e) as being anticipated by Policicchio et al. (US 2002/0166573).

Regarding claims 25, 28-30, 32, and 38-41, Policicchio et al. teach a surface cleaning (exterior surfaces, walls etc.; [0383]) composition comprising: water soluble inorganic acid salts; [0193], organic acid such as citric, tartaric and their sodium salts; [0193], anionic and nonionic surfactants; [0097], hydrophilic oxygen containing solvents such as propylene glycol; [0196], water; [0203], thickener (such as xantham gum) by the amount of 0.5%; [0144, 0198], and inhibitors such as imidazole compound by the amount of 0.01-0.3%; [0116, 0113], wherein the concentration of composition is in the range of 2-15%; [page 55, Table].

### ***Claim Rejections - 35 USC § 103***

*The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:*

***(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.***

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

Art Unit: 1796

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 26, and 42-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Policicchio et al. (US 2002/0166573), as applied to claim 25 above, and further in view of Conrad et al. (US 6,551,974).

Regarding claims 26, and 42-45, Policicchio et al. teach a basic surface cleaning composition as set forth for claim 25 above.

Policicchio et al. do not teach fluorocarbon resin and polishing material (abrasives). However, Conrad et al. teach a polishing composition comprising; polytetrafluoroethylene; [6: 3], and polishing materials such as aluminum silicate and silica; [5: 6-15]. Conrad et al. and Policicchio et al. are analogous art because they are from the same field of endeavour, that of surface cleaning, and polishing, compositions. At the time of invention, it would have been obvious to a person of ordinary skill in the art to use polytetrafluoroethylene and silicate of Conrad et al. (by the required amount) with Policicchio et al.'s cleaning composition with the motivation of utilizing the abrasive properties of silicate and also surface treating properties of fluorocarbon (water repellant) ingredient.

Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Policicchio et al. (US 2002/0166573), as applied to claim 25 above, and further in view of Yarrington (US 3,728,188).

Regarding claim 27, Policicchio et al. teach a basic surface cleaning composition as set forth for claim 25 above.

Policicchio et al. do not teach inorganic salts as inorganic fluorine compounds. However, Yarrington teach a metal surface cleaning composition comprising; sodium fluoride; [6: 30]. Yarrington and Policicchio et al. are analogous art because they are from the same field of endeavour, that of surface cleaning, and polishing, compositions. At the time of invention, it would have been obvious to a person of ordinary skill in the art to use sodium fluoride of Yarrington (by the required amount) with Policicchio et al.'s cleaning composition with the motivation of taking advantage of replenishing (controlled etching) properties of sodium fluoride, as evidenced by Yarrington.

Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Policicchio et al. (US 2002/0166573).

Regarding claim 31, Policicchio et al. do not indicate the HLB value of surfactants being in the range of 12 (detergency range). Normally, change in controllable properties such as HLB value (during preparation of surfactants) is a routine and expected occurrence, which would be an unpatentable modification. Under some circumstances, however, such changes may impart patentability to a composition if the particular claimed range, or percent, produce a new and unexpected result which is different in kind and not merely in degree from the result of prior art. A prima facie case of obviousness may be rebutted, however, where the results of the optimizing variable, which is known to be result-effective, are unexpectedly good, *In re Boesch and Slaney*,

205 USPQ 215, [MPEP 2441.05]. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to optimize the HLB value of surfactant in with the motivation of optimizing the deterative performance of surfactants in cleaning composition.

Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Policicchio et al. (US 2002/0166573), as applied to claims 32, and 25 above, and further in view of Hisamoto et al. (US 4,578,209).

Regarding claim 33, Policicchio et al. teach a basic surface cleaning composition as set forth for claim 25 above.

Policicchio et al. do not teach the organic acid being dialkylsulfosuccinic acid ( and salts). However Hisamoto et al. teach a surface cleaning composition comprising dialkylsulfosuccinic acid salts; [4: 7]. Hisamoto and Policicchio et al. are analogous art because they are from the same field of endeavour, that of surface cleaning, and polishing, compositions. At the time of invention, it would have been obvious to a person of ordinary skill in the art to use dialkylsulfosuccinic acid of Hisamoto with Policicchio et al.'s cleaning composition with the motivation of more efficient removal of stains as evidenced by Hisamoto.

Claims 34-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Policicchio et al. (US 2002/0166573), as applied to claims 32, and 25 above, and further in view of Gordon et al. (US 6,460,548 B1).

Regarding claim 34-37, Policicchio et al. teach a basic surface cleaning composition as set forth for claims 32 and 25 above.

Policicchio et al. do not teach the nonionic surfactant as being polyoxyethylene - alkylethers. However, Gordon et al. teach a liquid hard surface cleaning composition comprising polyoxyethylenealkylethers by the amounts of 0.001-20%; [3: 34-5, 4; 40-5]. Gordon and Policicchio are analogous art because they are from the same field of endeavour, that of surface cleaning, and polishing, compositions. At the time of invention, it would have been obvious to a person of ordinary skill in the art to use polyoxyethylenealkylethers of Gordon with the motivation of soil prevention as indicated by Gordon.

Policicchio et al. do not teach the hydrophilic hydrogen containing as being polyethylene glycol (even though it teaches unspecified amount of propylene glycol). However, Gordon et al. teach a liquid hard surface cleaning composition comprising polyethylene glycol by the amount of 0.1-5%; [15: 1-5]. At the time of invention it would have been obvious to a person of ordinary skill in the art to use polyethylene glycol of Gordon in cleaning composition of Policicchio with the motivation of optimizing the hydrophilic soil solubility of cleaning composition as evidenced by Gordon et al; [20: 48].

Claims 46-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaffer (US 4,213,796) in view of Policicchio et al. (US 2002/0166573).

Regarding claims 46-50, Shaffer teaches a method of cleaning building (paintings: e.g. Titanium oxide), a structure, or vehicle (e.g. Titanium containing material), wherein the method of cleaning and washing is carried out by pressure



Art Unit: 1796

(adjustable) spray method with determined amount of washing composition ( $\text{g/m}^2$ ); [1: 17-35, 2: 5-15, 6: 30-35, 45].

Shaffer does not teach the exact pressure of water (or cleaning fluid). At the time of invention it would have been obvious to a person of ordinary skill in the art to adjust the pressure of water (or L/min) with the motivation of dissolving and removing the cleaning composition from the surface efficiently and completely.

Shaffer does not, explicitly, teach the allowing the coated sections remain intact for predetermined amount of time. At the time of invention it would have been obvious to a person of ordinary skill in the art to allow some time for sufficient penetration of soil and stain removal composition before attempting to wash the surface with high (or low) pressure water.

Shaffer does not teach the cleaning composition comprising the components of instant claim 46. However, Policicchio et al. teach a surface cleaning composition comprising: water soluble inorganic acid salts; [0193], organic acid such as citric, tartaric and their sodium salts; [0193], anionic and nonionic surfactants; [0097], hydrophilic oxygen containing solvents such as propylene glycol; [0196], and water; [0203]. Policicchio et al. and Shaffer are analogous art because they are from the same field of endeavour, that of surface cleaning compositions, and surface washing and surface rinsing methods. At the time of invention, it would have been obvious to a person of ordinary skill in the art to use method of rinsing and washing of Shaffer after cleaning the surface with Policicchio et al.'s cleaning composition with the motivation of removing the dissolved soils from surface with high pressure water.

***Relevant art cited***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO form 892.

***Response to Arguments***

Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### ***Correspondence***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. M. Reza Asdjodi whose telephone number is (571)270-3295. The examiner can normally be reached on Monday-Friday 8:00-5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Eashoo can be reached on 571-272-1197. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mark Eashoo, Ph.D./  
Supervisory Patent Examiner, Art Unit 1796  
2-Aug-08

/M. R. A./  
Examiner, Art Unit 1796  
07/30/08

